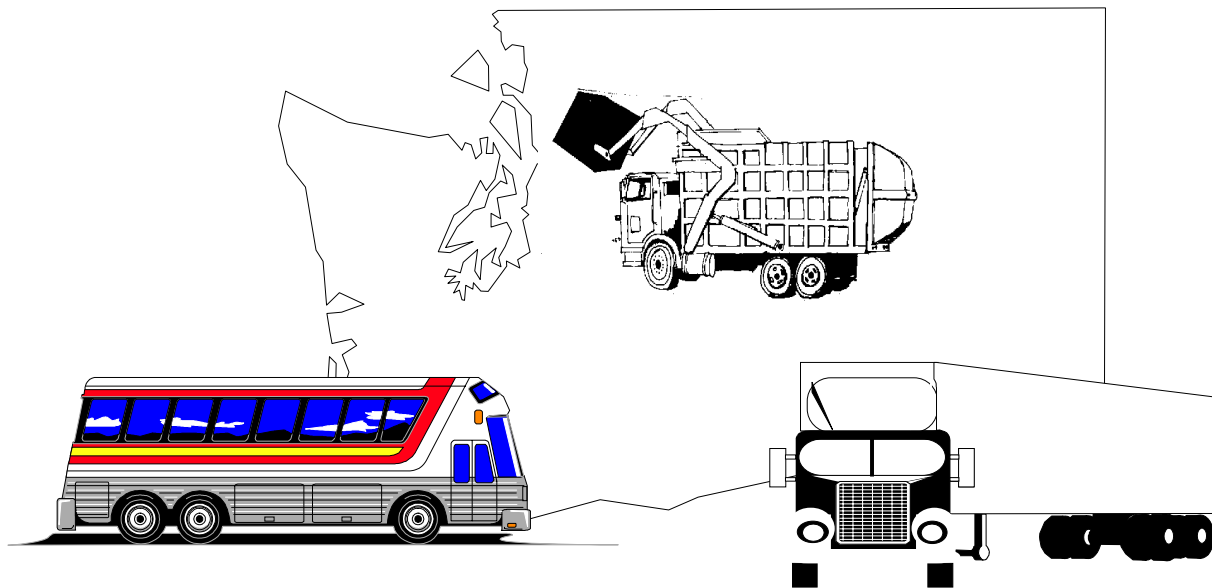


Your Guide . . .

to achieving a *satisfactory*
safety record



A guide for motor carriers
provided through the cooperation of:

WUTC WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

and

Washington State Patrol

(Space provided for notes.)

DO YOU KNOW . . .

HOW TO ACHIEVE A SATISFACTORY SAFETY RECORD?

Operators of commercial motor vehicles must comply with applicable state and federal safety regulations.

This includes:

- Private carriers
- For hire carriers
- Trucks
- Tractor/trailers
- Buses
- Solid Waste collectors
- Some government operated vehicles

Most companies operating commercial motor vehicles are subject to terminal safety audits. The audits, conducted by personnel of the Washington Utilities and Transportation Commission (WUTC) or the Washington State Patrol (WSP) measure carriers' compliance with applicable safety regulations.

The WUTC and WSP jointly develop and distribute this manual to assist carriers in understanding applicable rules and being prepared for terminal safety audits.

Compliance with safety regulations requires that companies complete and maintain various safety forms. This manual contains sample sample copies of many of the required forms. Unless your company has already done so, complete the applicable forms and maintain the completed forms at your principal place of business. Please make as many copies of each form as you need. We provide these sample forms as a courtesy to carriers. Carriers are not required to use these specific forms, they may use substitute forms obtained from other sources. Carriers must have all applicable driver and equipment safety records available for inspection when requested.

If you have questions or require additional information please call:

**Washington Utilities and Transportation Commission
Transportation Division**

1300 South Evergreen Park Drive SW
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1232
FAX: (360) 586-1150

Washington State Patrol

Commercial Vehicle Division
P. O. Box 42614
Olympia, WA 98504-2614
(360) 753-0279
FAX: (360) 586-8233

Table of Contents

	Page
FORWARD	I
TABLE OF CONTENTS	iii
INTRODUCTION	vi
Safety Program Mission	
Safety Program Objectives	
Purpose of Manual	
Federal Safety Regulations	
WUTC Safety Regulations	
ABBREVIATIONS AND ACRONYMS	vii
SECTION 1-- Controlled Substances and Alcohol Use Testing (49 CFR, Part 382)	11-1
Performance of safety-sensitive functions is prohibited	11-1
Safety-sensitive functions	11-1
Post-accident testing	11-1
Reasonable suspicion testing	11-1
Random testing	11-1
Return-to-duty and follow-up	11-1
Random Testing (Alcohol)	11-1
The consequences of alcohol misuse are	11-2
Rules Relating to Drugs	11-2
Types of tests required	11-2
Consequences of a positive drug test:	11-3
Random Testing	11-3
Records retention requirements	11-2
SECTION 2 -- CDL Standards, Requirements and Penalties (49 CFR, Part 383)	1-1
Purpose	1-1
Commercial Driver's License Information System (CDLIS)	1-1
Endorsements required	1-1
Groups of drivers exempt from CDL	1-2
Chart -- do you need a CDL?	1-3
One year disqualifications	1-4
Three year disqualifications	1-4
Lifetime disqualifications	1-4
60-day and 120-day disqualifications	1-4
Notification to Employer and Licensing State	1-5
Air Brake Restrictions	1-5
Employer Responsibilities regarding drivers subject to CDL regulations	1-6
SECTION 3 -- Qualification of Drivers (49 CFR, Part 391)	3-1
Physical Qualifications and Examination	3-1
Information Regarding Application for Intrastate Medical Waivers	3-2
Driver Qualification Files	3-3
Regularly employed drivers	3-3
Intermittent, casual, or occasional drivers	3-3
Drivers furnished by other motor carriers	3-3

SECTION 4 -- Driver Operation (49 CFR, Part 392)	2-1
Subpart A -- General	2-1
Applicability	2-1
Driving prohibitions	2-1
Equipment, inspection and use	2-1
Cargo securement	2-1
Hearing aids	2-1
Subpart B -- Driving	2-1
Railroad grade crossings, stopping required	2-1
Adverse weather conditions	2-1
Seat belts	2-1
Subpart C -- Stopped Vehicles	2-2
Unattended commercial motor vehicles	2-2
Placement of warning devices	2-2
Fuses	2-2
Subpart D -- Use of Lighted Lamps and Reflectors	2-2
Subpart E -- License Revocations, Duties of Driver	2-2
Subpart F -- Fueling Precautions	2-2
Subpart G -- Prohibited Practices	2-2
Unauthorized persons prohibited	2-2
Towing buses	2-2
Carbon monoxide	2-2
Radar detectors	2-2
SECTION 5 -- Insurance Requirements -- WUTC Carriers	4-1
<i>SAMPLE FORMS INCLUDED WITH THIS SECTION -- Form "E" (Proof of Insurance)</i>	
SECTION 6 -- Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)	5-1
Lights	5-1
Brakes	5-2
Windshield	5-3
Fuel systems	5-3
Couplers	5-3
Cargo securement	5-3
Tires	5-3
Sleeper berths	5-3
Exhaust systems	5-4
Rear end protection	5-4
Seat belts	5-4
Emergency equipment	5-4
Fire extinguisher	5-4
Suspension systems	5-5
Steering systems	5-5
SECTION 7 -- Accidents	6-1
Accident, defined	6-1
Accident register required	6-1
A Guide to determining preventability of accidents	6-1
Non-preventable accidents	6-2
Preventable accidents	6-2
Revenue necessary to pay for accident losses	6-5
SECTION 8 -- Drivers' Hours of Service (49 CFR, Part 395)	7-1
Recaps	7-1
Logs required	7-1
Forwarding to carrier:	7-1
Alternative to logs	7-1
100 air-mile exemption	7-1

SECTION 9-- Inspection, Repair and Maintenance (49 CFR, Part 396)	8-1
Bus inspection criteria	8-1
Maintenance records	8-1
Roadside inspection reports	8-1
Post trip inspection	8-1
Periodic inspection	8-1
Brake inspector qualification	
SECTION 109 -- Transportation of Hazardous Materials by Intrastate Motor Carriers	9-1
Carrier Responsibilities	9-1
Driving and Parking Rules	9-2
SECTION 11 -- Commercial Vehicle Safety Alliance	10-1
CVSA Procedures	
SECTION 12 -- Terminal Survey Audit	12-1
SECTION 13 -- Suggestions for establishing an effective safety program	13-1

INTRODUCTION

The Washington Utilities and Transportation Commission (WUTC) and Washington State Patrol (WSP) administer and enforce Washington Administrative Code regulations (WAC), federal safety rules (FMCFR) and state laws (RCW) relating to motor vehicle safety.

Safety Program Mission:

- To enforce state and federal laws, rules and regulations;
- To educate motor carriers and general public; and
- To assist the motor carriers in achieving and maintaining compliance.

Safety Program Objectives:

- To reduce commercial vehicle accidents;
- To decrease fatalities, injuries and property losses involving commercial vehicles; and
- To reduce casualties and economic loss due to all types of commercial vehicle accidents.

PURPOSE OF THIS MANUAL:

- This manual is designed to assist carriers in gaining a basic knowledge of the laws and rules relating to motor carrier safety.
- **This manual is not intended to be a complete reference.** Use it only as a guide in complying with state and federal safety regulations.
- **Do not** use this manual as the basis for legal interpretations.

Carriers are responsible for knowing and complying with all state and federal safety regulations, whether or not they are discussed in this manual.

FEDERAL SAFETY REGULATIONS: The public may review copies of federal safety regulations at the WUTC branch of the Washington State Library, located in the Olympia Headquarters offices of the Commission. You may obtain copies from:

- the WUTC (subject to pertinent copying charges)
- the Government Printing Office, Seattle, Washington,
- and numerous other private vendors.

WUTC SAFETY REGULATIONS:

For those carriers subject to Commission regulation, the WUTC publishes rule books containing complete carrier regulations (excluding Federal Regulations). The rule books are available, free of charge, by contacting:

Washington Utilities and Transportation Commission
Attn: Records Center
South 1300 Evergreen Park Drive SW
P. O. Box 47250
Olympia, Washington 98504-7250

Telephone: (360) 664-1234
FAX: (360) 586-1150

ABBREVIATIONS AND ACRONYMS

The following abbreviations and acronyms are used throughout this manual:

<u>Abbreviation/Acronym</u>	<u>Meaning</u>
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
COMMERCIAL MOTOR VEHICLE	Commercial Motor Vehicle
Commission	Washington Utilities and Transportation Commission
CSL	Combined Single Limit
DHHS	Department of Health and Human Services (federal)
DOL	Department of Licensing
DOT	Department of Transportation (federal)
EVAP	Emergency Vehicle Accident Prevention Program
FHWA	Federal Highway Administration
GCVWR	Gross Combined Vehicle Weight Rating
GVWR	Gross Vehicle Weight Rating
RCW	Revised Code of Washington (state statutes)
WAC	Washington Administrative Code (agency rule)
WSP	Washington State Patrol
WUTC	Washington Utilities and Transportation Commission

SECTION 1

Controlled Substances and Alcohol Use Testing - (49 CFR, Part 382)

Performance of safety-sensitive functions is prohibited:

- While having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test.
- While using alcohol.
- Within four hours after using alcohol.

Refusing to submit to an alcohol test and using alcohol within 8 hours after an accident or until tested are also prohibited.

Safety-sensitive functions (as defined in 49 CFR, Part 395.2) include:

- Time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched;
- Time inspecting equipment as required by 49 CFR, 392.8, or otherwise inspecting, servicing, or conditioning a commercial motor vehicle;
- Driving;
- Time spent in or on any commercial vehicle (excluding sleeper berth time);
- Time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- Time spent performing driver requirements relating to accidents; and
- Time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The following alcohol tests are required by this part.

- **Post-accident** - conducted after accidents on drivers whose performance could have contributed to the accident and for all fatal accidents.
- **Reasonable suspicion** - conducted when a trained supervisor or company official observes behavior or appearance that is characteristic of alcohol misuse.
- **Random** - conducted on a random, unannounced basis just before, during, or just after performance of safety-sensitive functions.
- **Return-to-duty and follow-up** - conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Note: Rules no longer require pre-employment alcohol testing, but carriers may require it if they want to.

RANDOM TESTING (alcohol):

- Must be conducted just before, during, or just after a driver's performance of safety sensitive duties.
- The driver is randomly selected for testing -- usually from a "pool" of drivers subject to testing.
- Testing dates are unannounced and are with unpredictable frequency throughout the year.
- Each year, the number of random tests conducted by the employer must equal at least 10% (new percentage effective January 1, 1998) of all the safety-sensitive drivers.
- Must be done using evidential breath testing devices approved by the National Highway Traffic Safety Association (NHTSA).
- Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.

SECTION 1

Controlled Substances and Alcohol Use Testing - (49 CFR, Part 382)

Random Testing, Continued:

- The driver and the individual conducting the breath test complete the alcohol testing form to ensure that the results are properly recorded.
- Confirmation test results determine actions taken.
- Employers are responsible for implementing and conducting the testing programs. They may do this using their own employees, contract services, or by joining together in a consortium that provides services to all member companies.

The consequences of alcohol misuse are:

- Drivers who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions.
- Drivers cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and complied with any treatment recommendations to assist them with an alcohol problem.
- Drivers who have any alcohol concentration (defined as 0.02 or greater) when tested must be removed from performing safety-sensitive functions for 24 hours.

Other provisions of this part include:

- Employers must provide detailed information about alcohol misuse, the employer's policy, the testing requirements, and how and where drivers can get help for alcohol abuse.
- Supervisors of safety-sensitive drivers must attend at least one hour of training on alcohol misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
- The employer is not required to provide rehabilitation, pay for treatment, or reinstate the driver in his/her safety-sensitive position.
- Driver alcohol testing records are confidential.

RULES RELATING TO DRUGS

Drug testing rules have been in effect since November 1988 for interstate drivers. The WUTC adopted the drug rules for Washington intrastate drivers in June and July 1994. The Federal Highway Administration's (FHWA) new rules related to drug testing split samples became effective on August 15, 1994.

Drug testing rules cover the same drivers as alcohol testing rules.

The types of tests required are:

- Pre-employment;
- Reasonable suspicion;
- Post-accident;
- Random;
- Return-to-duty; and
- Follow up.

Drug testing is conducted by analyzing a driver's urine specimen. The driver provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing lab.

Analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). There are over 90 DHHS labs located throughout the United States. A list of DHHS-approved labs is published monthly in the *Federal Register*.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

SECTION 1

Controlled Substances and Alcohol Use Testing

(49 CFR, Part 382)

All drug test results are reviewed and interpreted by a physician before they are reported to the employer.

Drug rules prohibit any unauthorized use of the controlled substances. Illicit use of drugs by safety-sensitive drivers is prohibited on or off duty. The FHWA has some additional rules that prohibit use of legally prescribed controlled substances by safety-sensitive drivers involved in interstate commerce.

Consequences of a positive drug test:

- A driver must be removed from safety-sensitive duty.
- A driver cannot be returned to safety-sensitive duties until he/she has been evaluated by a substance abuse professional or medical review officer, has complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test.
- Follow-up testing to monitor the driver's abstinence from drug use may be required.

Random Testing:

- Employers are responsible for conducting random, unannounced drug tests.
- At least 50% of safety-sensitive drivers must be tested each year.
- Once notified of selection for testing, a driver must proceed to a collection site to accomplish the urine specimen collection.

Other provisions of Part 382 include:

- Employers must provide information on drug use and treatment resources to safety-sensitive drivers.
- All supervisors and officials of businesses with safety-sensitive drivers must attend at least one hour of training on the signs and symptoms of drug abuse and another 60 minutes of training on alcohol misuse.
- Driver drug testing results and records are confidential.

Records retention requirements:

Must maintain for five years:

- Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Required calibration of Evidential Breath Testing (EBT) devices

Must maintain for two years:

- Records related to the collection process and required training

Must maintain for one year:

- Negative and canceled controlled substance test results
- Alcohol test results indicating a BAC of less than 0.02

All records shall be maintained in a secure location with limited access, and shall be made available for inspection by authorized representatives of the Federal Highway Administration or state regulatory agencies.

49 CFR, Part 382.601-- Each employer (including owner/operators) shall provide educational materials that explain the requirements of Part 382 and the policies and procedures with respect to meeting the requirements. The employer shall ensure that a copy of the materials is distributed to each driver. Each driver is required to sign a statement certifying that he/she has received a copy of the materials. The employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (Note: a sample plan is attached for reference. Carriers are invited to review the sample, adapting the plan to meet the company's policies and procedures.)

SECTION 1

Controlled Substances and Alcohol Use Testing,

49 CFR, Part 382

49 CFR, Part 382.413 -- An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under the provisions of Part 382 by the driver's previous employer. The employer shall obtain information on the driver's alcohol tests with a concentration of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the past two years. The information must be obtained no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer. An employer cannot permit a driver to perform safety-sensitive functions after 14 days without obtaining the information.

A list of known consortiums and drug/alcohol testing facilities is available by contacting:

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 South Evergreen Park Drive SW
P O Box 47250
Olympia, WA 98504-7250

Phone: (360) 664-1222
FAX: (360) 586-1172

SPECIAL NOTE: SEE SAMPLE DRUG AND ALCOHOL WRITTEN PROGRAM AT END OF THIS BROCHURE, IN APPENDIX B -- ALL COMPANIES MUST HAVE A WRITTEN POLICY IN THEIR COMPANY RECORDS.

Post-Accident Drug & Alcohol Test Requirements		
Type of accident	Citation issued to Driver?	Must test be performed by employer
Involves human fatality	Yes	Yes
	No	Yes
Involves bodily injury with treatment away from the accident scene	Yes	Yes
	No	No
Disabling damage to any motor vehicle (requiring towing)	Yes	Yes
	No	No

SECTION 2

Commercial Driver's License Standards, Requirements and Penalties (49 CFR, Part 383)

PURPOSE of RCW 46.25 (Uniform Commercial Driver's License Act) and WAC 308-100 and 49 CFR, Part 383: to help reduce or prevent commercial vehicle accidents, fatalities and injuries by:

- requiring that no driver has more than one driver's license;
- disqualifying drivers who have committed certain serious traffic violations, or other specified offenses; and
- strengthening licensing and testing standards.

Commercial Driver's License Information System (CDLIS): The CDLIS enables the States to exchange information about the driving records and *driver's licenses* of commercial vehicle drivers. This helps assure that only one license is issued to a driver and that disqualified drivers are prevented from obtaining a CDL. *Employers* have ready access to the CDLIS clearinghouse through their State's vehicle licensing agency. By contacting this agency an employer can check records in all states -- one stop shopping for obtaining driving records.

A COMMERCIAL DRIVER'S LICENSE (CDL) IS REQUIRED TO OPERATE ANY OF THE FOLLOWING VEHICLES:

CDL CLASS A: Combination vehicles where the Gross Combined Vehicle Weight Rating (GCVWR) is 26,001 or more pounds and the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is over 10,000 pounds.

CDL CLASS B: Single vehicles where the GVWR is 26,001 or more pounds. May also tow trailers with a GVWR of 10,000 or less pounds.

CDL CLASS C: Any vehicle with a GVWR less than 26,001 pounds if:

- Designed to carry 16 or more persons to include the driver.
- All public school buses under 26,001 pounds, or vehicles transporting hazardous materials in amounts requiring the vehicle to be placarded.

NOTE: If a vehicle's registered weight is higher than its GVWR or GCVWR, then the registered weight will be used to determine class of license required.

ENDORSEMENTS/RESTRICTIONS:

ENDORSEMENT H: Placarded hazardous materials
ENDORSEMENT N: Tank vehicles (Liquids/Gases)
ENDORSEMENT S: Commercial instruction permit
ENDORSEMENT T: Double or triple trailer combination unit.
ENDORSEMENT X: Both tank vehicles and placarded hazardous materials
RESTRICTION K: Non air brake commercial vehicles only
RESTRICTION P1: All passenger vehicles (buses)
RESTRICTION P2: Passenger vehicles below 26,000 pounds.

SECTION 2

Commercial Driver's License Standards, Requirements and Penalties (49 CFR, Part 383)

BY LAW, THREE GROUPS OF DRIVERS ARE EXEMPT FROM HAVING TO OBTAIN A CDL.

1. Farmers transporting farm equipment, supplies or products to or from a farm -- in a farm vehicle -- are exempt provided:
 - the vehicle is not used in the operation of for hire motor carriage; and
 - the vehicle is used within 150 miles of the farm.
2. Fire fighters and law enforcement officers operating emergency equipment are exempt provided:
 - they have completed the Emergency Vehicle Accident Prevention Program (EVAP); and
 - they carry a card certifying completion.
3. Recreation Vehicle Operators are exempt when driving RV's for non-commercial purposes. This includes horse trailers and 2-axle rental trucks for non-commercial use.

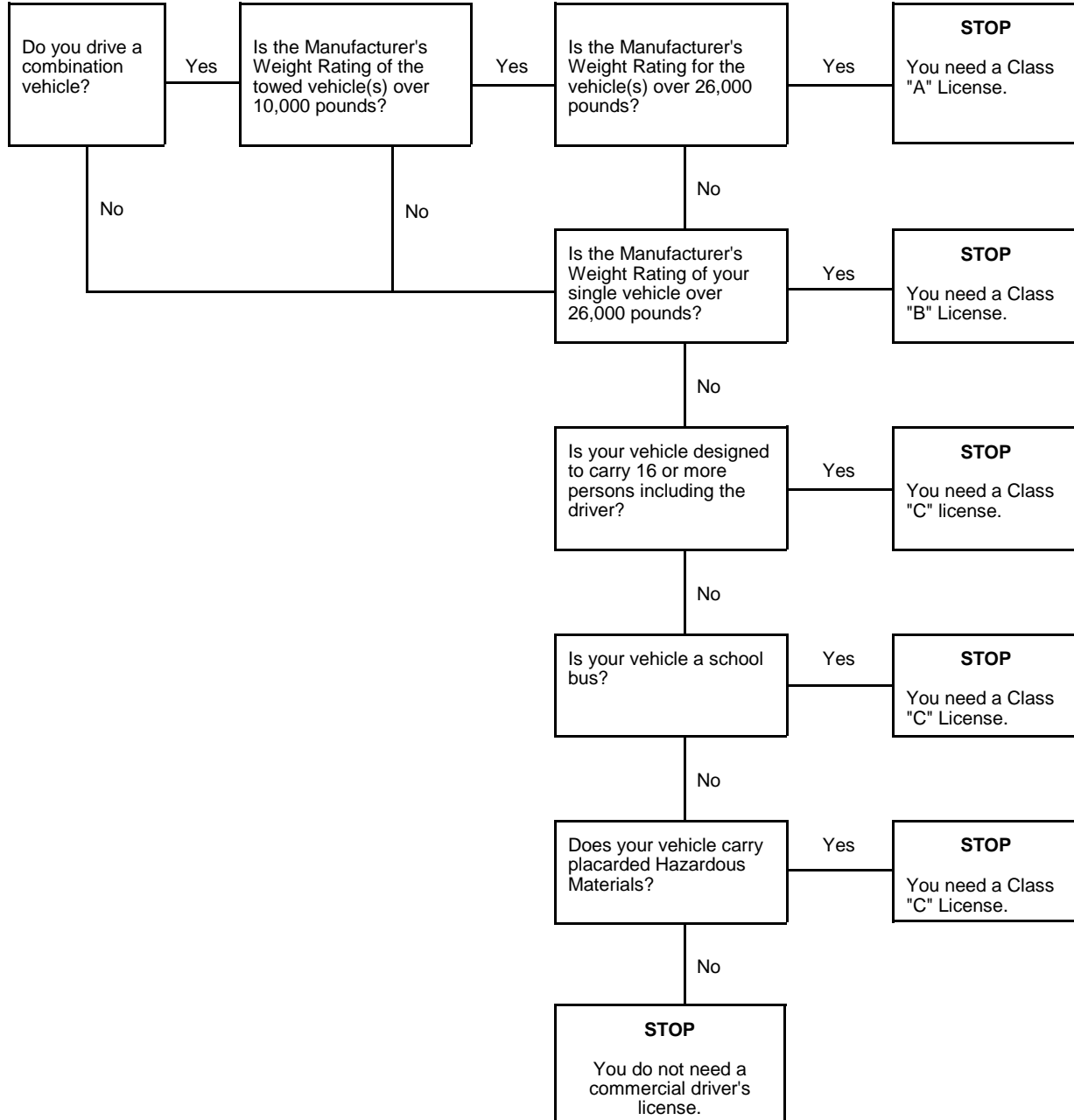
RCW 46.25 and WAC 308-100 and 49 CFR, Part 383 contain the following provisions:

- A commercial driver cannot have more than one driver's license.
- A commercial driver seeking an endorsement must pass a written test and a skill test to qualify for a commercial driver's license.
- A driver must notify his/her employer of all traffic convictions committed while operating a commercial vehicle. Notification must be in writing within 30 days of the conviction.
- A driver must give 10 years previous employment information when applying for employment as an operator of a commercial motor vehicle.
- An employer may not allow a person to operate a commercial motor vehicle if:
 - his/her license to drive is suspended, revoked or canceled;
 - he/she is disqualified from driving; or
 - he/she has more than one driver's license.

See chart on the following page to determine if you need a CDL.

DO YOU NEED A COMMERCIAL DRIVER'S LICENSE?

There are three types of Commercial Driver's Licenses, Class "A", Class "B", and Class "C". To see if you need a Commercial Driver's License, answer the questions and follow the lines which represent your answer:



SECTION 2

Commercial Driver's License Standards, Requirements and Penalties (49 CFR, Part 383)

A DRIVER CAN BE DISQUALIFIED OR LOSE HIS/HER COMMERCIAL DRIVER'S LICENSE FOR CERTAIN CONVICTIONS.

One year disqualifications:

A driver is disqualified for not less than one year for a first-time conviction of the following offenses (while operating a commercial vehicle):

- Driving under the influence of alcohol or any drugs;
- Driving with an alcohol concentration of .04 or more;
- Leaving the scene of an accident;
- Using a commercial vehicle in the commission of a felony; or
- Refusing to take a blood-alcohol test.

Three year disqualifications:

If convicted of any of the above-listed offenses while transporting hazardous materials, the disqualification is increased to three years.

Lifetime disqualifications:

A person may be disqualified from driving a commercial motor vehicle for life for the following:

- A second conviction for any of the above-listed offenses. (The second conviction may be for the same or a different offense.)
- For using a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

60-day and 120-day disqualifications:

If convicted of two serious traffic violations within 3 years, a driver may lose his/her license for 60 days. A third conviction within 3 years results in a 120-day disqualification.

Serious violations include the following:

1. Excessive speed (15 MPH or more over posted speed limit)
2. Reckless driving (RCW 46.61.500)
3. Negligent driving (RCW 46.61.525)
4. Following too close (RCW 46.61.45)
5. Improper/erratic lane changes
 - Overtaking on the right (RCW 46.61.115)
 - Limitations on overtaking on the left (RCW 46.61.120)
 - Limitations on driving to the left of the center of the roadway (RCW 46.61.125)

SECTION 2

Commercial Driver's License Standards, Requirements and Penalties 49 CFR, Part 383

Notification to employer and licensing State required: Upon conviction for any State or local traffic violation, a driver must notify his/her employer(s) within 30 days. This notification must include the following information:

- Driver's full name
- Driver's license number
- Date of conviction
- Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges
- Indication of whether the violation happened in a commercial motor vehicle
- Location of offense, and
- Driver's signature

Air Brake Restrictions: If an applicant fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, his/her CDL, if issued, will indicate the license holder may not operate any commercial motor vehicle equipped with air brakes.

NOTE: Carriers subject to WUTC safety enforcement: Penalties for violation of Commercial Driver's License Standards may include civil penalty assessments issued by the Commission against the company and/or driver. (See RCW 81.04.405.)

Question: CAN A DRIVER LEGALLY DRIVE WITH BLOOD ALCOHOL CONCENTRATION BELOW .04?

Answer: **No.** The law makes it illegal for drivers to operate a commercial vehicle with any alcohol in their system. Professional drivers do not drive commercial vehicles after drinking alcohol. If any level of alcohol is detected, law enforcement can place a commercial driver out-of-service for 24 hours. **At the .04 level and above**, the driver faces disqualification for one year or longer. **Below the .04 level**, a driver can be placed out-of-service for 24 hours.

For further guidance concerning Washington State Commercial Driver Licenses, contact:

Driver Examining
Department of Licensing
P O Box 9030
Olympia, WA 98504-9030
Telephone (206) 902-3859

SECTION 2

Commercial Driver's License Standards, Requirements and Penalties 49 CFR, Part 383

EMPLOYER RESPONSIBILITIES -- regarding 49 CFR, Part 383.37 (this material is excerpted from Federal Rules Interpretations, published by the Federal Highway Administration -- copies of the entire book, entitled "Regulatory Guidance for the Federal Motor Carrier safety Regulations, Questions and Answers" are available from: Office of Motor Carrier Standards, 400 Seventh Street SW, Room 3107, Washington, DC 20590, Telephone (202) 366-4009, or may be viewed on the Internet at: <http://mcregis.fhwa.dot.gov/index.html-ssi>)

This information, published in the Federal Register in November 1993, is also available from the Commission upon payment of the appropriate copying fee. Call (360) 753-3111 for information.

Question: Section 383.37(a) does not allow employers to knowingly use a driver whose license has been suspended, revoked, or canceled. Do motor carriers have latitude in their resulting actions: firing, suspension, layoff, authorized use of unused vacation time during suspension duration, transfer to nondriving position for the duration of the suspension?

Answer:Yes. The employer's minimum responsibility is to prohibit operation of a commercial motor vehicle by such an employee.

Question: a. A motor carrier recently found a driver who had a detectable presence of alcohol, placed him off-duty in accordance with Part 392.5, and ordered a blood test which disclosed a blood alcohol concentration of 0.05 percent. Is the carrier obligated to place the driver out of service for 24 hours as prescribed by Part 392.5(c)?
b. Is the carrier obligated to disqualify the driver for a period of 1 year as prescribed by Part 383.51(b) and 391.15(c)(3)(I) of the FMCSRs?

Answer:a. Only a State or Federal official can place a driver out of service. Instead, the carrier is obligated to place the driver off-duty and prevent him/her from operating or being in control of a commercial motor vehicle until he/she is no longer in violation of Part 392.5.

b. No. A motor carrier has no authority to disqualify a driver. Disqualification for such an offense only occurs upon a conviction.

Question: If an individual had two convictions for serious traffic violations while driving a commercial motor vehicle, and neither FHWA nor his/her state licensing agency took any disqualification action, does the motor carrier have any obligation under FHWA regulations to refrain from using his driver for 60 days? If so, when does that time period begin?

Answer:No. Only the State or the FHWA has the authority to take a disqualification action against a driver. The motor carrier's responsibility under Part 383.37(a) to refrain from using the driver begins when it learns of the disqualification action and continues until the disqualification period set by the State or the FHWA is completed.

Question: Is a driver who has a CDL, and has been convicted of a felony, disqualified from operating a commercial motor vehicle under the FMCSRs?

Answer:Not necessarily. The FMCSRs do not prohibit a driver who has been convicted of a felony, such a drug dealing, from operating a commercial motor vehicle unless the offense involved the use of a commercial motor vehicle. If the offense involved a non-commercial motor vehicle, or was unrelated to motor vehicles, there is no FMCSR prohibition to employment of the person as a driver.

SECTION 3

Qualification of Drivers

(49 CFR, Part 391)

Drivers of commercial vehicles must be qualified to do so. Part 391 explains what a carrier must do to qualify drivers. Motor carriers must assure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

Generally, a commercial motor vehicle driver must meet the following requirements:

- Be in good health.
- Be at least 18 years of age (if operating exclusively in Washington intrastate commerce). Drivers operating in interstate commerce must be at least 21 years of age.
- Speak and read English well enough to converse with the general public, understand highway traffic signs and signals, do his/her job, respond to official questions, and make legible entries on reports and records.
- Be able to drive the vehicle safely.
- Be able to determine whether the vehicle is safely loaded.
- Know how to block, brace and tie down cargo.
- Have only one valid commercial driver's license.
- Not be disqualified to drive a commercial motor vehicle.
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that the driver has not been convicted of any motor vehicle violations during the past 12 months. A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason.
- Pass a driver's road test.
- Test negatively for controlled substances.
- Complete an application for employment.

The following are disqualifying offenses:

- Revocation, suspension, withdrawal or denial of an operator's license.
- Conviction or forfeiture of bond for the following criminal offenses while driving a commercial vehicle:
 - Driving while under the influence of alcohol.
 - Driving while illegally using drugs.
 - Driving while illegally possessing or transporting drugs.
 - Leaving the scene of an accident that resulted in an injury or death.
 - Using a commercial vehicle while carrying out a serious crime (a felony).
- Serious violations and conviction of certain other offenses will result in loss of a person's commercial driver's license (see Commercial Driver's License Standards and Requirements Section).
- If a driver's license is taken away by any legal authority, he/she cannot operate a commercial vehicle until the license is reinstated.

PHYSICAL QUALIFICATIONS AND EXAMINATIONS

All drivers of commercial vehicles must pass a physical examination. If the driver passes the physical, the doctor will give the driver a medical examiner's certificate that must be carried at all times when driving a commercial vehicle. The certificate must be renewed every 2 years.

Part 391.43 contains instructions for performing and recording physical examinations. The primary physical requirements are:

- Drivers must have good eyesight. Glasses or contact lenses are permitted.
- Drivers must hear well. Hearing aids are permitted.
- Drivers must not use nor be addicted to amphetamines, narcotics, or other drugs that may keep him/her from driving safely.
- Drivers cannot be alcoholic.

SECTION 3

Qualification of Drivers (49 CFR, Part 391)

Common diseases or health problems that may keep a driver from passing the physical are:

- Chronic high blood pressure.
- Diabetes, if controlled by insulin.
- Breathing problems such as asthma and emphysema.
- Disqualifying heart disease.
- Impairment of normal body movements.
- Sickness that could cause fainting or "blackout."
- Mental or nervous problems.

Information Regarding Application for INTRASTATE Medical Waivers:

There are provisions for waiver or disqualification for certain physical defects if the individual is otherwise qualified to drive. If a driver has lost or cannot use a foot, leg, hand, finger(s), or an arm, he/she cannot drive until a waiver is obtained.

The policy described below applies to commercial motor vehicle drivers who carry a Commercial Driver's License (CDL) but are not physically qualified to drive under the medical requirements of the Federal Motor Carrier Safety Regulations.

Procedure: Providing the driver is otherwise qualified to operate a commercial motor vehicle, a letter of application for a waiver must be submitted jointly by the person who seeks a waiver of the physical disqualification (driver applicant) and by the motor carrier that will employ the driver applicant. (If the driver is self-employed or currently unemployed, a letter from the motor carrier is not necessary.)

The letter must show:

- Name and complete address of the employing motor carrier.
- Name, license number and complete address of the driver applicant.
- Description of the driver applicant's impairment for which the waiver is requested.

The letter must be accompanied by:

- A copy of the DOT physical form (long form) showing the results of the medical examination.
- A medical evaluation summary completed by either a board qualified or board certified physician or orthopedic surgeon.

The medical evaluation summary must include:

- A statement by the doctor on how and why the impairment interferes with the ability of the driver to perform normal tasks associated with operating a commercial motor vehicle.
- An assessment and medical opinion of whether the condition will likely remain medically stable for at least two years.

Please Note: Department of Licensing issues waivers only for CDL drivers -- they do not issue waivers for non-CDL drivers.

For more information contact:

Department of Licensing
CDL Medical Waiver Program
P O Box 9030
Olympia, WA 98507

Telephone: (360) 902-3859
FAX: (360) 586-8351

SECTION 3

Qualification of Drivers

(49 CFR, Part 391)

DRIVER QUALIFICATION FILES

Every carrier must have a complete qualification file for each driver employed. If an owner/operator is the motor carrier, then he/she must keep the file.

Regularly employed drivers: The file must include:

- **Driver's application for employment.** A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment. The contents of the application are specified by statute. The sample form provided at the end of this brochure meets all requirements.
- **Inquiry to previous employers -- 3 years.** An investigation of the driver's employment record during the preceding three years. This investigation must be made within 30 days of the day his/her employment begins.
- **Inquiry to state agencies -- 3 years.** The driver's driving record for the preceding three years.
- **Annual review of driving record.** At least once every 12 months, a motor carrier must review the driving record of each driver. A note stating the results of this review shall be included in the driver's qualification file.
- **Annual driver's certification of violations.** At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months.
- **Driver's road test and certificate.** A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test.
- **Medical Examinations.** The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a medical examiner's certificate, which must be carried at all times and must be renewed every two years.

Note: See copies of applicable forms on the following pages.

Intermittent, casual, or occasional drivers: (A driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier.) The items that must be in a driver qualification file for an intermittent, casual, or occasional driver are the same as those for a regularly employed driver, except the file need not contain:

- an application for employment (carrier must have the driver's name, social security number, ID number and type of driver's license, name of state issuing driver's license);
- inquiries to past employers and state agencies;
- annual review of driving record; or
- written record of violations.

In intrastate commerce, a single vehicle owner/operator, when operating under its own permit, does not have to keep records of:

- application for employment;
- inquiries to previous employers about driving record;
- annual review of driving record;
- annual driver's verification of violations; and
- driver's road test.

Drivers furnished by other motor carriers. A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical certificate.

SECTION 4

Driver Operation (49 CFR, Part 392)

49 CFR, Part 392 contains seven subparts describing requirements while driving commercial motor vehicles. A brief summary of each of the subparts follows.

SUBPART A -- GENERAL

Applicability: All carriers and their employees must be instructed in and must obey the rules of this part if responsible for:

- the management, maintenance, operation or driving of commercial motor vehicles; or
- the hiring, supervising, training, assigning, or dispatching of drivers

Driving prohibitions: A driver may not drive if he/she:

- has consumed an alcoholic beverage within 4 hours of going on duty, while on duty, or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment.
- is under the influence of alcohol, schedule I drugs, narcotics or amphetamines (including pep pills and bennies) or any other substance (including prescription or over the counter drugs) causing the driver to drive unsafely; or
- is ill or fatigued to the point that driving or alertness may be impaired, or the illness, fatigue or any other cause makes it unsafe to begin (or continue) to drive the vehicle

Equipment, inspection and use: No commercial motor vehicle shall be driven unless the driver has satisfied himself/herself that the following parts and accessories are in good working condition:

- | | |
|------------------------------------|----------------------------------|
| • Service brakes. | • Windshield wipers. |
| • Parking brakes. | • Rear-vision mirror or mirrors. |
| • Lighting devices and reflectors. | • Coupling devices. |
| • Tires. | • Emergency equipment. |
| • Horn. | |

Cargo securement: No person shall drive a commercial motor vehicle and a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless the vehicle's cargo is properly distributed and secured.

Hearing aids: Drivers who are required to wear hearing aids to meet the minimum requirements of Part 391.41(b)(11) shall wear the hearing aid and have it in operation at all times while driving.

SUBPART B -- DRIVING

Railroad grade crossings, stopping required: Generally, buses and hazardous materials trucks must stop at railroad crossings.

After stopping within at least 50 feet of, but not closer than 15 feet of a crossing, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gear.

Adverse weather conditions: Drivers must exercise extreme caution when operating vehicles if hazardous conditions such as adverse weather affect visibility or traction. In some cases, a driver must reduce the speed of the vehicle or stop driving if he/she has trouble seeing or if the road becomes unsafe because of weather conditions.

Seat belts: Drivers are required to wear their seat belts when operating the vehicle.

SECTION 4

Driver Operation - (49 CFR, Part 392)

SUBPART C -- STOPPED VEHICLES

Unattended commercial motor vehicles: A vehicle stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers at once. The driver must leave the flashers on until warning devices (triangles, reflectors, flares, etc.) are activated. The flashers must again be used while the warning devices are being picked up before the vehicle moves on.

The parking brake should be set and any other steps taken to keep the vehicle from moving before the driver leaves the vehicle unattended.

Placement of warning devices: After making an emergency stop, the driver must set out emergency warning devices as soon as possible; but in any event, within ten minutes. The warning devices must be placed as follows (except where specific rules apply):

1. One warning device must be placed on the traffic side of the vehicle, within 10 feet of either the front or rear.
2. A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped.
3. The third device must be placed about 100 feet away from the others, in the opposite direction from the stopped vehicle, and one also, in the center of the lane or shoulder.

Fusees: Fusees may not be attached to any part of the vehicle. Flame-producing devices may not be used when certain types of hazardous material are being transported.

SUBPART D -- USE OF LIGHTED LAMPS AND REFLECTORS

Lights and reflectors are to be clean and not hidden by cargo, tailboard, or other obstructions.

SUBPART E -- LICENSE REVOCATIONS, DUTIES OF DRIVER

If a driver loses his/her license, the driver must tell the carrier before the end of the next day.

SUBPART F -- FUELING PRECAUTIONS

A driver or employee may not smoke or expose any open flame near a vehicle being fueled.

Extra fuel shall be carried only in properly mounted tanks.

The number of times buses are fueled while carrying passengers shall be minimized.

SUBPART G -- PROHIBITED PRACTICES

Unauthorized persons prohibited: Generally, written permission from the carrier is necessary for passengers to ride in a vehicle.

Towing buses: No loaded bus shall be towed or pushed.

Carbon monoxide: No person shall dispatch or drive any commercial motor vehicle or permit any passengers thereon, if:

- an occupant has been affected by carbon monoxide.
- carbon monoxide has been detected in the interior of the commercial motor vehicle.
- a mechanical condition has been discovered which would be likely to produce a hazard to occupants.

Radar detectors: Federal Motor Carrier Safety Regulations prohibit use of radar detectors, including the following:

- Radar detectors shall not be used by a driver of a commercial vehicle.
- A driver shall not operate any commercial motor vehicle that is equipped with a radar detector.
- Motor carriers shall not require or permit a driver to violate the radar detector provisions.

SECTION 5

Insurance Requirements -- WUTC Carriers

★ **MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS, AUTO TRANSPORTATION COMPANIES (AIRPORTERS and BUSES), PASSENGER CHARTER CARRIERS AND SOLID WASTE COLLECTION COMPANIES**

Motor carriers of property, for-hire carriers of passengers and solid waste collection companies must have a minimum amount of liability and property damage insurance.

See following chart regarding Schedule of Limits for minimum levels of financial responsibility.

- A motor carrier is required to have an insurance company file evidence of liability and property damage insurance. The insurance filed must be written by a company authorized to write such insurance in the state of Washington.
- Failure to file and keep insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.
- Evidence of insurance shall be submitted on a uniform motor carrier bodily injury and property damage liability certificate of insurance (Form E).

An instruction sheet and example of forms are provided on the following pages of this manual.

★ **MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS AND PASSENGER CARRIERS OPERATING IN INTERSTATE COMMERCE.**

Those motor carriers of property operating commercial motor vehicles in interstate or foreign commerce must have a minimum amount of insurance as prescribed in 49 CFR, Part 387. Motor carriers operating in interstate commerce must have proof of the minimum level of insurance at the company's principal place of business.

Private carriers operating in Washington intrastate commerce are not required to file insurance with the Washington Utilities and Transportation Commission. They must comply with insurance limit requirements contained in Title 46 RCW.

Proof of insurance for interstate carriers can be any of the following:

- Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-90) issued by an insurer(s).
- Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-90B) issued by an insurer(s).
- A Motor Carrier Surety Bond for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-82) issued by a surety.
- A Motor Carrier Public Liability Surety Bond Under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS 82B) issued by a surety.
- A written decision, order, or authorization of the Interstate Commerce Commission authorizing the motor carrier to self-insure under 49 CFR, Part 1043.5.

SECTION 5

Insurance Requirements -- WUTC Carriers

Washington Utilities and Transportation Commission Permitted/Certificated Carriers MINIMUM LIABILITY INSURANCE REQUIREMENTS

TRUCKS -(over 10,000 lbs. GVWR)	\$750,000 combined single limit (CSL)
<ul style="list-style-type: none"> • non-hazardous materials 	

TRUCKS (under 10,000 GVWR)	
<ul style="list-style-type: none"> • property non-hazardous • Property - hazardous ; any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455 	<div style="text-align: right;">\$300,000</div> <div style="text-align: right;">\$5,000,000</div>

TRUCKS -	\$5,000,000 combined single limit (CSL)
<ul style="list-style-type: none"> • hazardous substances in bulk, in vehicles with capacities exceeding 3,500 water gallons. • Explosives A or B (any quantity). • Poison gas (any quantity). • Liquified compressed gas or compressed gas, in bulk (containers exceeding 3,500 water gallons). • Highway route controlled quantity radioactive materials. 	

TRUCKS -	\$1,000,000 combined single limit (CSL)
<ul style="list-style-type: none"> • Oil (49 CFR 172.101). • Hazardous waste, hazardous materials, and hazardous substances listed in 49 CFR 172.101, but not listed in paragraph above. 	

TRUCKS -	
<ul style="list-style-type: none"> • Solid waste materials (solid waste, garbage and/or refuse) 	<div style="text-align: right;">\$100,000 each person</div> <div style="text-align: right;">\$750,000 each accident; or</div> <div style="text-align: right;">\$750,000 combined single limit</div>

TAXICABS -	
<ul style="list-style-type: none"> • small parcels (authority is restricted to only taxicabs as vehicles.) 	<div style="text-align: right;">\$100,000 each person</div> <div style="text-align: right;">\$300,000 each accident</div> <div style="text-align: right;">\$25,000 property damage</div>

PASSENGER CHARTER - (excluding limousines)	
<ul style="list-style-type: none"> • 16 passengers or less • 17 passengers or more 	<div style="text-align: right;">\$100,000 each person</div> <div style="text-align: right;">\$1,000,000 each accident</div> <div style="text-align: right;">\$5,000,000 each accident</div> <div style="text-align: right;">\$50,000 property damage</div>

AUTO TRANSPORTATION -(other than passenger charter)	
<ul style="list-style-type: none"> • 16 passengers or less • 17 passengers or more 	<div style="text-align: right;">\$100,000 each person</div> <div style="text-align: right;">\$300,000 each accident</div> <div style="text-align: right;">\$500,000 each accident</div> <div style="text-align: right;">\$50,000 property damage</div>

SECTION 6

Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)

Every motor carrier, its officers, agents, drivers, representatives and employees involved with the maintenance of equipment must understand and obey the rules of part 393. A carrier cannot operate a commercial motor vehicle unless it is properly equipped.

Specific equipment requirements are contained in the following subparts of 49 CFR, Part 393:

- SUBPART B - Lighting devices, reflectors and electrical equipment.
- SUBPART C - Brakes
- SUBPART D - Glazing and window construction.
- SUBPART E - Fuel systems.
- SUBPART F - Coupling devices and towing methods.
- SUBPART G - Miscellaneous parts and accessories.
- SUBPART H - Emergency equipment.
- SUBPART I - Protection against shifting or falling cargo.
- SUBPART J - Frames, cab and body components, wheels, steering and suspension systems.

Generally the following apply:

Lights: Part 393 specifies the required color, position and types of lamps and reflectors for commercial motor vehicles. All lamps and reflectors for commercial motor vehicles manufactured after March 7, 1989, must meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108 (see Title 49 Code of Federal Regulations, Part 571.108) in effect on the date of manufacture. Certain trailers manufactured on or after December 1, 1993, must have retro-reflective sheeting or additional reflex reflectors to make them more visible to other motorists under conditions of reduced visibility.

Lamps and reflectors on commercial motor vehicles manufactured on or prior to March 7, 1989, must meet the requirements of Part 393 or of FMVSS No. 108 that were in effect on the date of manufacture.

All required lamps must light on request at an inspection and must light when required during regular operation of the vehicle.

All lamps must be permanently and securely mounted on a permanent part of the vehicle. The exceptions are temporary lamps, such as those used in a driveaway-towaway operation or mounted on projecting loads. Temporary lamps must be securely attached.

Stop lamps on a commercial motor vehicle must activate when the service brakes are applied.

SECTION 6

Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)

Brakes: Commercial motor vehicles must be equipped with the following brake systems:

- A service brake system that meets the requirements of 49 CFR, Part 393.52, which specifies braking and holding performance.
- A parking brake system that meets the requirements of 49 CFR, Part 391.41, which specifies parking brake activation and the method for holding the brakes in the applied position.
- An emergency brake system that conforms to the requirements of 49 CFR, Part 393.52 and consists of either (1) emergency brake features of the service brake system or (2) a system separate from the service brake system.

Every commercial motor vehicle must be equipped with brakes acting on all wheels, with the following exceptions:

- Trucks and truck tractors with three or more axles, manufactured before July 25, 1980, are not required to have steering axle brakes.
- Vehicles being towed in a driveaway-towaway operations. (However, the towed vehicle must have brakes in operation if the brakes on the towing vehicle are not capable of stopping the combination vehicle under the conditions covered by Part 393.52.)
- Any full trailer, semitrailer, or pole trailer having a gross weight of 3,000 pounds or less, provided the trailer weight does not exceed 40 percent of the weight of the towing vehicle.

Every vehicle used to tow a trailer equipped with brakes must have a means of maintaining the operation of the brakes on the towing vehicle in the event that the trailer breaks away from the towing vehicle. Among the other requirements:

- Every truck or truck tractor equipped with air brakes, when used to tow other vehicles equipped with air brakes, must be capable of activating (manually and automatically) the emergency features of the trailer brakes. The brakes must apply automatically when the towing vehicle air supply pressure is between 20 and 45 psi. The manual control must be operable by the driver from the driver's seat, with seat belt in use.
- Every trailer is required to be equipped with brakes that apply automatically if the trailer breaks away from the towing vehicle. The brakes must remain in the applied position for at least 15 minutes.

Safe and reliable operation of a vehicle's brakes depends upon adequate protection of the tubing and hoses from mechanical and other damage.

- Design and construction of brake tubing and hose must ensure proper, adequate, and continued functioning.
- Installation must ensure proper functioning of the hose.
- Length and flexibility must accommodate all normal motions of the parts to which the hose is attached.
- Protection against mechanical damage must include protection against chafing, kinking, and mechanical damage.
- Protection from high temperature must include protection for or location away from exhaust pipes and other sources of high temperatures.

SECTION 6

Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)

Windshield: A vehicle's windshield must be free of discoloration and cracks in the area extending from the top of the steering wheel to within two inches of the top of the windshield.

Fuel systems: Fuel systems used for the operation of commercial motor vehicles and of auxiliary equipment installed on or used in connection with commercial motor vehicles must meet the following requirements.

Each fuel system must be located so that:

- No part of the system extends beyond the widest part of the vehicle.
- No part of a fuel tank is forward of the front axle of a power unit.
- Fuel lines do not extend between a towed vehicle and the towing unit while the combination is in motion.
- No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment.

Couplers: Parts 393.70 and 393.71 provide requirements for the attachment and location of the fifth wheel and requirements for the towing of full trailers. In addition, requirements for saddle mount operations are provided.

Cargo

securement: Parts 393.100-393.106 provide the standards covering cargo securement. Cargo is required to be loaded and secured so that it will not shift or fall off the vehicle. The cargo securement regulations include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movements of the cargo. In addition, Part 393.106 covers headerboards.

Tires: Tires used on commercial motor vehicles must meet specific safety standards. No tire that is in use on a commercial motor vehicle may have any of the following defects:

- Body ply or belt material exposed through the tread or sidewall.
- Tread or sidewall separation.
- Audible leak.
- Flat.
- A cut exposing the ply or belt material.
- A tread groove pattern depth of less than 4/32 of an inch (front tires) or 2/32 of an inch (other tires).
- Regrooved tires on front wheels of trucks or truck tractors which have a load carrying capacity equal to or greater than 8.25-20 8-ply rating tires.
- Regrooved, recapped, or retreaded tires on the front wheels of buses are prohibited.

Sleeper

berths: Sleeper berths must meet minimum dimensions. A sleeper berth must not be installed on a trailer and must be located in or adjacent to the cab. An exit door at least 18" high by 36" wide must lead directly into the cab. Part 393.76 contains special provisions for sleeper berths installed before 1975.

Sleeper berths must be equipped with adequate sheets and blankets, and a mattress and springs or innerspring mattress. They must be adequately ventilated, and located so as to protect occupants against exhaust fumes and fuel leaks. A mandatory restraint system must withstand at least 6,000 pounds of force applied to the front of the vehicle.

SECTION 6

Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)

Exhaust

systems:

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where it is not likely to burn or damage the electrical wiring, the fuel supply, or any combustible part of the vehicle.
- The discharge from the exhaust system must not be located immediately below the fuel tank or the fuel tank filler pipe.
- The exhaust system may not be temporarily repaired with patch or wrap material.
- The exhaust system may not leak or discharge at any point forward of or directly below the driver or sleeper compartment.
- The exhaust pipe and mufflers must be securely fastened to the vehicle.

For trucks and truck tractors, the exhaust system must discharge at a location to the rear of the cab, or above and near the rear of the cab.

For a bus powered by a gasoline engine, the exhaust pipe must discharge at a point no farther forward than six inches forward of the rearmost part of the bus.

For a bus powered by diesel or other fuel (not gasoline), the exhaust pipe must discharge either:

- At a point no farther than 15 inches forward of the rearmost part of the bus, or
- To the rear of all doors or windows designed to be opened (not including emergency exits).

Rear end**protection:**

Every commercial motor vehicle must be equipped with either bumpers or other devices that prevent the under ride of another vehicle. Tractors, pole trailers, and driveaway-towaway vehicles are exempt. (See diagram on next page for further information.)

Seat belts:

Commercial motor vehicles must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in the Federal Motor Vehicle Safety Standards (FMVSS).

Emergency equipment:

Commercial motor vehicles must carry the following emergency equipment:

- Fire extinguisher (not required for driveaway-towaway operations).
- Spare fuses.
- Warning devices for stopped vehicles.

Fire**extinguisher:**

Fire extinguishers must be securely mounted and readily accessible for use. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged, and a label showing its Underwriters' Laboratory (UL) rating.

The fire extinguisher(s) must meet one of the following standards:

- One extinguisher with a UL rating of 5 B:C or more, or
- Two extinguishers each with a rating of 4 B:C or more.
- One extinguisher with a UL rating of 10 B:C, if the vehicle is transporting placardable quantities of hazardous materials.

Insert here chart about rear end protections devices

SECTION 6

Parts and Accessories Necessary for Safe Operation (49 CFR, Part 393)

**Steering
system:**

Steering system must be in proper working order, which includes the following:

- Steering wheel must be properly secured with no cracked or missing spokes.
- Steering wheel lash must meet the requirements of Part 393.209.
- Steering column must be securely fastened.
- Steering system must not have worn or welded universal joints, loose steering gear box, missing bolts, or a loose pitman arm on the steering gear output shaft.
- Power steering unit must not have loose or broken parts, frayed, cracked, or slipping belts; leaks; or insufficient fluid in reservoir.

**Suspension
systems:**

Suspension systems are required to be structurally sound and in safe working order, including the following:

- Axles must be in proper alignment, and no positioning part can be cracked, broken, loose or missing.
- Adjustable axles must have locking pins in place.
- Leaf springs must not be cracked, broken, missing or shifted out of position.
- Coil springs must not be cracked or broken.
- Torsion bars must not be cracked or broken.
- Air suspensions must support the vehicle in a level position, and must not leak.

SECTION 7

Accidents

The Code of Federal Regulations (CFR), Part 390.5 defines accident as an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in:

- A fatality;
- Bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- Disabling damage to one or more motor vehicles requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The term accident **does not** include:

- An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- An occurrence involving only the loading or unloading of cargo; or
- An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR, Part 177.823.

Accident register required (see sample accident register form at the end of this section) 49 CFR, Part 390.15 requires that motor carriers maintain for a period of one year after an accident occurs, an accident register containing at least the following information:

- A list of accidents that shows:
 - Time and place of accident
 - Driver's name
 - Number of injuries and fatalities
 - Hazardous materials (other than fuel) released, if any.
- Copies of all accident reports required by State or other governmental entities or insurers.

A Guide to Determining Preventability of Accidents

Description: A preventable accident is one which occurs because the driver fails to act in a reasonably expected manner to prevent it. In judging whether the driver's actions were reasonable, one seeks to determine whether the driver drove defensively and demonstrated an acceptable level of skill and knowledge. The judgment of what is reasonable can be based on a company-adopted definition, thus establishing a goal for its safety management programs.

Note that the above definition of a preventable accident is focused on the actions of the driver. It is the commonly used definition in evaluating driver performance. A broader definition, which can be used to evaluate the driver's and the motor carrier's actions is given by the FMCSR as follows: Preventable accident on the part of the motor carrier means an accident (1) that involved a commercial motor vehicle, and (2) that could have been averted but for an act, or failure to act, by the motor carrier, or the driver.

The heart of accident analysis is the determination of preventability, based on the facts furnished in the motor carrier's recordable accident register, and from various other sources. Each accident must be judged individually. Certain types will generally fall in the non-preventable category, and certain others, in the absence of extenuating circumstances and conditions, fall in the preventable category. The types of accidents shown below do not cover every accident that may occur, but they are intended to provide general guidance to assist in determining preventability.

SECTION 7

Accidents

Non-preventable Accidents

Struck in rear by other vehicle

- Non-preventable if
- Driver's vehicle was legally and properly parked
 - Driver was proceeding in his/her own lane of traffic at a safe and lawful speed
 - Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic
 - Driver was in proper lane waiting to make turn.

Struck while parked

- Non-preventable if
- Driver was properly parked in a location where parking was permitted
 - Vehicle was stopped, parked, or left standing in accordance with Sections 392.21 and 392.22 of the Federal Motor Carrier Safety Regulations.

Preventable Accidents

Accidents at intersections

- Preventable if
- Driver failed to control speed so that he/she could stop within available sight distance
 - Driver failed to check cross-traffic and wait for it to clear before entering intersection
 - Driver pulled out from side street in the face of oncoming traffic
 - Driver collided with person, vehicle, or object while making right or left turn
 - Driver collided with vehicle making turn in front of him/her.

Striking other vehicle in rear

- Preventable if
- Driver failed to maintain safe following distance and have his/her vehicle under control
 - Driver failed to keep track of traffic conditions and did not slow down
 - Driver failed to ascertain whether vehicle ahead was moving slowly, stopped, or slowing down for any reason
 - Driver misjudged rate of overtaking
 - Driver came too close before pulling out to pass
 - Driver failed to wait for vehicle ahead to move into the clear before starting up
 - Driver failed to leave sufficient room for passing vehicle to get safely back in line.

Sideswipe and head-on collisions

- Preventable if
- Driver was not entirely in his/her proper lane of travel
 - Driver did not pull to right and slow down or stop for a vehicle encroaching on his/her lane of travel when such action could have been taken without additional danger.

SECTION 7

Accidents

Struck in rear by other vehicle

- Preventable if
- Driver was passing slower traffic near an intersection and had to make sudden stop
 - Driver made sudden stop to park, load, or unload
 - Vehicle was improperly parked
 - Driver rolled back into vehicle behind them while starting on grade.

Squeeze plays and shutouts

- Preventable if
- Driver failed to yield right-of-way when necessary to avoid accident.

Backing accidents

- Preventable if
- Driver backed up when backing could have been avoided by better planning of his/her route
 - Driver backed into traffic stream when such backing could have been avoided
 - Driver failed to get out of cab and check proposed path of backward travel
 - Driver depended solely on mirrors when it was practicable to look back
 - Driver failed to get out of cab periodically and recheck conditions when backing a long distance
 - Driver failed to check behind vehicle parked at curb before attempting to leave parking space
 - Driver relied solely on a guide to help him/her back
 - Driver backed from blind side when he/she could have made a sight-side approach.

Accident involving rail operated vehicles

- Preventable if
- Driver attempted to cross tracks directly ahead of train or streetcar
 - Driver ran into side of train or streetcar
 - Driver stopped or parked on or too close to tracks.

Accidents while passing

- Preventable if
- Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
 - Driver attempted to pass in the face of closely approaching traffic
 - Driver failed to warn driver of vehicle being passed
 - Driver failed to signal change of lanes
 - Driver pulled out in front of other traffic overtaking from rear
 - Driver cut in too short while returning to right lane.

Accidents while being passed

- Preventable if
- Driver failed to stay in his own lane and hold speed or reduce it to permit safe passing.

SECTION 7

Accidents

Accidents while entering traffic stream

- Preventable if
- Driver failed to signal when pulling out from curb
 - Driver failed to check traffic before pulling out from curb
 - Driver failed to look back to check traffic if he/she was in position where mirrors did not show traffic conditions
 - Driver attempted to pull out in a manner that forced other vehicles to change speed or direction
 - Driver failed to make full stop before entering from side street, alley, or driveway
 - Driver failed to make full stop before crossing sidewalk
 - Driver failed to yield right-of-way to approaching traffic.

Pedestrian accidents

- Preventable if
- Driver did not reduce speed in area of heavy pedestrian traffic
 - Driver was not prepared to stop
 - Driver failed to yield right of way to pedestrian.

Mechanical defects accidents

- Preventable if
- Defect was of a type that driver should have detected in making pre-trip or en route inspection of vehicle
 - Defect was of a type that driver should have detected during the normal operation of the vehicle
 - Defect was caused by driver's abusive handling of the vehicle
 - Defect was known to driver, but ignored
 - Driver was instructed to operate with known defect.

All types of accidents

- Preventable if
- Driver was not operating at a speed suitable for the existing conditions of road, weather, and traffic
 - Driver failed to control speed so that he/she could stop within assured clear distance
 - Driver misjudged available clearance
 - Driver failed to yield right-of-way to avoid accident
 - Driver failed to accurately observe existing conditions
 - Driver was in violation of company operating rules of special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinances.

SECTION 7

Accidents

REVENUE NECESSARY TO PAY FOR ACCIDENT LOSSES

This table shows the dollars of revenue required to pay for different amounts of costs for accidents.

Generally it is necessary for a motor carrier to generate an additional \$1,250,000 of revenue to pay the cost of a \$25,000 accident, assuming an average profit of 2%. The amount of revenue required to pay for losses will vary with the profit margin (as shown in the chart below).

REVENUE REQUIRED TO COVER LOSSES

YEARLY ACCIDENT COSTS	VS. PROFIT MARGIN				
	1%	2%	3%	4%	5%
\$1,000	\$100,000	\$50,000	\$33,000	\$25,000	\$20,000
5,000	500,000	250,000	167,000	125,000	100,000
10,000	1,000,000	500,000	333,000	250,000	200,000
25,000	2,500,000	1,250,000	833,000	625,000	500,000
50,000	5,000,000	2,500,000	1,667,000	1,250,000	1,000,000
100,000	10,000,000	5,000,000	3,333,000	2,500,000	2,000,000
150,000	15,000,000	7,500,000	5,000,000	3,750,000	3,000,000
200,000	20,000,000	10,000,000	6,666,000	5,000,000	4,000,000

Accident costs consist of any/or all of the following:

- Vehicle damage
- Loss of revenue
- Administrative costs
- Police reports
- Cargo damage
- Possible effects on cost of insurance
- Possible effect on cost of Workmen's Compensation insurance
- Towing
- Storage of damaged vehicle
- Damage to customer relationships
- Legal fees
- Customer's loss of revenue directly attributable to accident

SECTION 8

Drivers' Hours of Service (49 CFR, Part 395)

The hours of service rules apply to all motor carriers and drivers, with limited exceptions. The exceptions are listed in paragraphs (b) through (k) of Part 395.1.

Generally, a carrier cannot allow or require a driver to drive:

- More than 10 hours following 8 consecutive hours off duty;
- After having been on duty 15 hours; or
- After having been on duty more than 60 hours in any 7 consecutive days. NOTE: A carrier operating vehicles every day of the week cannot allow nor require a driver to drive after having been on duty more than 70 hours in 8 consecutive days.

Recaps: It is recommended that carriers and drivers keep a summary (recap) of drivers' hours worked and hours available. This will help prevent hours of service violations.

Logs required: Every carrier must require every driver to make a record of duty status (log), in duplicate, in his/her own handwriting for each 24-hour period, unless operating under the 100 air-mile radius exemption.

Carriers and drivers who do not complete and keep records of duty status (logs) or who make false records of duty status (logs) can be prosecuted or may be subject to administrative monetary penalty assessments.

Forwarding to carrier: The driver must give or send by mail the original of the driver's records of duty status (log) to his/her employing carrier within 13 days after completing the record. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which he/she was last relieved of duty. (Sample form for recording this information is attached on following pages.) The carrier must then keep the record of duty status (log) for 6 months at the carrier's principal place of business.

Alternative to logs, motor carriers may require a driver to use an automatic on-board recording device to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous seven consecutive days. All hard copies of the driver's record of duty status must be signed by the driver.

100 air-mile exemption: A driver does not have to make a record of duty status (log) if the following apply:

- The driver operates within a 100 air-mile radius of the normal work reporting location;
- The driver returns to the work reporting location and is released from work within 12 consecutive hours;
- At least 8 consecutive hours off duty separate each 12 consecutive hours on duty;
- The driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and,
- The motor carrier maintains and retains for 6 months accurate and true time records showing the following
 - The time the driver reports for duty each day.
 - The total number of hours the driver is on duty each day.
 - The time the driver is released from duty each day.
 - The total time the driver drives each day.
 - The total time for the preceding 7 days for drivers used the first time or intermittently.

SECTION 9

Inspection, Repair and Maintenance

(49 CFR, Part 396)

Each carrier must ensure that each commercial motor vehicle under its control is regularly inspected, repaired and maintained. All vehicle parts and accessories must be in safe and proper working condition at all times. A vehicle must not be operated if it is likely to break down or cause an accident.

Bus inspection criteria: Push-out windows, emergency doors and emergency door marking lights in buses must be inspected at least every 90 days.

Information required for leased vehicles: Generally, carriers must maintain the following information for every vehicle they have controlled for 30 days or more:

- An identification of the vehicle including company number (if so marked), make, serial number, year, and tire size. Also, if the carrier does not own the vehicle, the records must show the name of the person providing the vehicle.
- A schedule of inspections and maintenance operations to be performed.
- A record of inspection, repair and maintenance showing their date and type.
- A record of tests conducted on push-out windows, emergency doors and emergency door marking lights on buses.

Maintenance records must be kept where the vehicle is housed or maintained. They must be kept for a period of at least 6 months after the vehicle leaves the carrier's control (via sale, trade-in or scrapping).

Roadside inspection reports: Any driver who receives a roadside inspection report must deliver it to his/her employing motor carrier. An official of the motor carrier must examine the roadside inspection report and ensure that any violations or defects noted on the report are corrected. The motor carrier must sign the report and maintain a copy for 12 months from the date of the inspection.

Post trip inspection: Every carrier must require its drivers to complete a vehicle inspection report at the end of each day. The report must identify the commercial motor vehicle and list anything found wrong that could affect its safe operation. Every driver is responsible for preparing such a report for each commercial motor vehicle driven. The report must cover at least the following parts and accessories:

- | | |
|---|------------------------|
| • Service brakes (including trailer brake connections). | • Horn |
| • Parking (hand) brakes. | • Windshield wipers. |
| • Steering mechanism. | • Coupling devices. |
| • Lighting devices and reflectors. | • Wheels and rims. |
| • Tires. | • Emergency equipment. |

A copy of the last vehicle inspection report must be kept on the power unit. Every carrier must keep the original vehicle report for at least 3 months.

Before starting out, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed.

Periodic inspection: Every commercial motor vehicle, including each segment of a combination vehicle, requires periodic inspection that must be performed at least once every 12 months. At a minimum, inspections must include all items listed in the Minimum Periodic Inspection Standards, Appendix G, Subchapter B, Part 396. (See sample periodic inspection form on following pages.) Carriers may perform required annual inspections themselves. The original or a copy of the periodic inspection report must be retained by the motor carrier for 14 months from the report date. Documentation of the most recent periodic inspection must be kept on the vehicle.

SECTION 9

Inspection, Repair and Maintenance

(49 CFR, Part 396)

Motor carriers must ensure that persons performing periodic inspections are qualified. Inspectors must:

- Understand the inspection standards of Part 393 and Appendix G.
- Be able to identify defective components.
- Have knowledge and proficiency in methods, procedures and tools.

Inspectors may have gained experience or training by:

- Completing a State or Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections.
- A combination of other training or experience totaling at least one year.

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

The motor carrier may meet periodic inspection requirements through:

- State or other jurisdiction's roadside inspection program, or
- Mandatory State inspection program -- These programs must be determined by the FHWA to be comparable to the Federal annual inspection program.

Brake inspector qualification: The motor carrier is responsible for ensuring that all inspections, maintenance, repairs and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, service or repairs meet minimum brake inspector qualifications.

The brake inspector must:

- Understand and be able to perform the brake service and inspection.
- Know the methods, procedures, tools and equipment needed, and
- Be qualified to perform brake service or inspection by training and/or experience.

Qualifying brake training or experience includes successful completion of:

- A State, Canadian Province, Federal agency, or union training program.
- A State-approved training program.
- Training that led to attainment of a State or Canadian Province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake test in the case of a brake inspection.

OR

- One year of brake-related training, experience, or a combination of both.

Motor carriers must maintain evidence of inspector qualifications at the principal place of business or the location where the inspector works. Evidence must be retained for the period during which the brake inspector is employed in that capacity, and for one year thereafter.

Sample maintenance forms/records and pre-trip and post trip inspection diagrams are contained at the back of this manual.

SECTION 10

Transportation of Hazardous Materials

All carriers operating in either interstate or intrastate commerce are subject to the federal hazardous materials regulations, Title 49 CFR, Parts 171-180.

It is the carrier's responsibility to ensure that the shipment is prepared properly before accepting it for transportation. *"A carrier may not transport . . . any shipment of a hazardous material that is not prepared for transportation in accordance with applicable shipping paper rules (Part 172, Subpart C), package marking (Part 172, Subpart D), package labeling (Part 172, Subpart E), and vehicle placarding (Part 172, Subpart F)."* See Part 177.800 for highway transportation, responsibility of motor carrier.

Other carrier responsibilities:

1. Determine employee qualifications: Carriers are required to ensure that employees who have any responsibility for receiving, processing or transporting hazardous materials are thoroughly instructed. They must know the applicable regulations that apply to their job functions. The following suggestions will help meet this requirement:
 - Identify all personnel who have hazardous material transportation responsibilities.
 - Determine what additional instructions or training each needs (if any).
 - Assure that those who need instructions review and absorb the instructions.
 - Maintain records of training.
 - Periodically review training needs and maintain the required expertise.
2. Determine conditions of transport vehicles:
 - Ensure that cargo space is suitable for loading. It should be free of nails and other protruding, sharp objects.
 - Ensure that the vehicle is suitable for it to be loaded. It must be in compliance with applicable vehicle safety regulations.
3. Determine that shipment is acceptable for transport:
 - Determine that shipping papers are prepared in proper format and are accurate and complete. At a minimum, they must include the proper shipping name, ID number, hazard class, quantity and consignee (or consignor) name and address.
 - Obtain a proper shipper's certificate (unless exempted).
 - Determine that proper placards and ID numbers are displayed, if required.
4. When practical, a carrier should also determine that:
 - Authorized packaging is used and that it is in proper condition for transportation.
 - Each package is properly marked and labeled, when required.
 - The freight is adequately blocked and braced to prevent movement and/or damage in transit.
5. If the shipment is to be interlined:
 - Properly prepare the material so that the secondary carrier will accept it from you. This is particularly important for intermodal and international shipments.
 - Modal requirements may affect the following: (1) packaging; (2) quantity per package; (3) marking; (4) labeling; (5) shipping papers; and (6) certification.
6. Carrier loaded freight - when the carrier loads the transport vehicle, make certain that:
 - Documentation matches the freight.
 - Materials are chemically compatible.
 - Poisons are not loaded with foodstuffs (unless exempted).
 - Damaged or leaking packages are not loaded.
 - Freight is properly blocked and braced to prevent movement and/or damage in transit.
 - Proper placards and ID numbers are displayed, when required.
 - Required documentation is furnished to the driver.

SECTION 10

Transportation of Hazardous Materials

49 CFR, Part 397

7. Hazardous Waste/Hazardous Substance

- When the material is classified as a hazardous waste or hazardous substance, there are additional registration, identification, security and documentation regulations as stated in Sections 172.205 and 172.324.
- Pertinent Environmental Protection Agency Regulations are found in the Code of Federal Regulations (CFR), Title 40, Part 262.

WAC 480-70-550 – Shipping paper requirements. We are reprinting below a copy of WAC 480-70-550, the rule relating to shipping papers that must accompany shipments of biohazardous or bio-medical waste. Immediately following the reprinted rule is a copy of a form that meets the requirements stated.

WAC 480-70-550 Shipping paper requirements.

(1) A carrier who transports biohazardous or biomedical waste to an off-site treatment, storage, or disposal facility must have a shipping paper with the shipment which contains the following information:

- (a) Name and address of the generator of the biohazardous or bio-medical waste;
- (b) Name of the person representing the generator from whom delivery is accepted;
- (c) Name of the carrier;
- (d) Date of collection;
- (e) Destination, naming final disposal, and storage or treatment site;
- (f) A general statement as to the type and quantity of biohazardous or biomedical waste delivered to the carrier;

(g) The shipping paper shall be signed by a representative of the generator of biohazardous or biomedical waste, such signature acknowledging delivery and compliance with all applicable state and local rules pertaining to packaging and containment;

(h) The shipping paper shall be signed by a carrier representative who accepts the waste for transportation, such signature acknowledging receipt of the biohazardous or biomedical waste;

(i) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper shall be signed by a representative of the facility which accepts the biohazardous or biomedical waste for treatment, storage, or disposal, such signature acknowledging acceptance.

(2) A copy of the shipping paper of each shipment must be retained by the carrier at the main office of the carrier for three years, and is subject to inspection by the commission.

(3) Use of the hazardous waste shipping paper is not required by the generator or transporter of biohazardous or biomedical waste.

(Sample shipping paper on next page)

Biohazardous/Biomedical Waste Shipping Paper

Information Regarding Generator

Name: _____

Address: _____

City: _____ State _____ Zip _____

Name of Generator's representative from whom
shipment is accepted: _____

Generator's signature: _____

Information Regarding Carrier

Name: _____

Address: _____

City: _____ State _____ Zip _____

Driver's signature: _____

Collection Information:

Collection date: _____

	Small	Medium	Medium/Large	Large
Boxes Picked Up				
Type of Waste				
Boxes Delivered				
Sharps Delivered	Description		Quantity	

Landfill Disposal: Signature _____ Date _____

If not landfilled, please indicate alternate method of disposal, by checking box below:

☐ Destroyed by Incineration

Or

☐ Rendered Inert by Treatment

Signature _____

Date _____

Miscellaneous Comments:

Copies: White -Customer; Canary-Carrier, Gold-Disposal Site

DRIVING AND PARKING RULES

The rules in 49 CFR, Part 397 apply to:

- Each motor carrier transporting hazardous materials by motor vehicle which must be marked or placarded in accordance with 49 CFR, Part 177.823; and
- Each officer or employee of the motor carrier who performs supervisory duties relating to the transportation of hazardous materials; and
- Each person who operates or is in charge of a commercial motor vehicle containing hazardous materials.

The specific requirements governing the transportation of hazardous materials and driving and parking rules are contained in the following sections of Part 397:

Section 397.1 --Application of the rules

Section 397.2 -- Compliance with Federal motor carrier safety regulations

Section 397.3 -- State and local laws, ordinances and regulations

Section 397.5 -- Attendance and surveillance of commercial motor vehicles

Section 397.7 -- Parking

Section 397.11 -- Fires

Section 397.13 -- Smoking

Section 397.15 -- Fueling

Section 397.17 -- Tires

Section 397.19 -- Instructions and documents

Subpart C -- routing of non-radioactive hazardous materials

Subpart D -- routing of Class 7 (radioactive) materials

SECTION 11

Commercial Vehicle Safety Alliance

CVSA states and Canadian provinces represent a broad base of different types of state and provincial agencies. Represented are: State Police, Highway Patrol, Public Service and/or Utility Commissions, Departments of Transportation, and Motor Vehicles and Public Safety. In Washington State, the Washington Utilities and Transportation Commission and the Washington State Patrol are members of CVSA.

The goals of CVSA are:

- To bring about overall improvement in commercial vehicle and hazardous materials transportation safety.
- To avoid duplication of inspection efforts by the various jurisdictions.
- To minimize delays for the operating industry.
- To increase the number of on-highway inspections.
- To improve the safety of equipment and drivers operating on our highways.

CVSA PROCEDURES

1. Before driving a truck or bus, a driver should ensure that all documents are in order, that the vehicle is in safe mechanical condition, and that the load is secure.
2. Before allowing or asking a driver to drive a truck or bus, every operator should ensure that:
 - the driver is properly licensed;
 - the driver is fit and able to drive; and,
 - the vehicle is in safe mechanical condition.
3. A vehicle may be stopped at any time by an officer for a CVSA roadside inspection.
4. The officer will inspect the vehicle to determine CVSA inspection items are free of defects.
5. A truck, bus or trailer that passes a CVSA inspection will be given a dated decal. The decal will be put on the lower right corner of the power unit's windshield (passenger side), and on the lower right corner of the trailer, near the front.
6. Any CVSA decals already on the vehicle will be removed.
7. The officer will inspect the driver's documents.
8. A vehicle that does not pass CVSA inspection will not receive a CVSA decal and may be placed out-of-service.

Note: Copies of inspection criteria used by all CVSA-affiliated states, provinces and agencies are available to the public by contacting the address listed below. We recommend you contact them by phone to determine the current price per copy.

CVSA
5430 Grosvenor Lane, Suite 130
Bethesda, Maryland 20814
(301) 564-1623.

Copies are available for review at the WUTC branch of the Washington State Library, Olympia. As the criteria are copyrighted, no copies are available except from CVSA.

You can also use this address to communicate with CVSA if you have comments or complaints you would like to address to them.

SECTION 12

Terminal Survey Audit

A terminal survey audit is a comprehensive review of a motor carrier's compliance with all applicable federal and state safety regulations. This involves a review of the regulations with company management, review of documents relating to accidents, drivers and equipment, as well as inspection of equipment at the carrier's terminal.

Companies will receive a terminal safety audit for one of the following reasons:

- complaints;
- accidents;
- when vehicles/drivers jump an out of service order;
- critical safety violations for drivers and/or equipment identified from Safetynet;
- and hazardous materials violations.

Much of this information will come from Safetynet, a national data base, where profiles and targeting methods are used to identify carriers with safety compliance problems.

What can a carrier expect when contacted for a terminal safety audit?

In most cases, an officer will contact the carrier official and make an appointment to do the terminal audit.

Under some condition, e.g., an accident, jumping an out of service order, officers may not make an appointment and just show up to do the safety audit. This will only happen in extreme cases.

When the officer arrives, he/she will meet with carrier management and review violation information. All information is input into a laptop computer during the audit. The officer will ask for the carrier's total mileage, review accident files and records, and figure the carrier's accident rate per million miles. An equipment list of all equipment operated by the carrier will be reviewed. Also a review of the insurance policy, checking for proper liability limits and that each piece of equipment operated is covered will be checked.

Compliance with the following parts and subparts contained in the Code of Federal Regulations (CFR) will then be checked.

Part 382 -- Controlled substance and alcohol use and testing. (Applies to every person who operates a commercial motor vehicle in interstate or intrastate commerce and who is subject to commercial driver's license (CDL) requirements.)

Part 383 -- Commercial Driver's License Standards

Part 391 -- Qualifications of Drivers

Part 392 -- Parts and Accessories Necessary for Safe Operations

Part 395 -- Hours of Service for Drivers (Or Washington Administrative Codes for certain drivers hours of service regulations.)

Part 396 -- Inspection, Repair and Maintenance

Part 397 -- Transportation of Hazardous Materials; Driving and Parking Rules

Parts 100 through 177 -- Hazardous Materials Regulations

Officers will hold a closing interview with company officials to discuss any violations found, and they will recommend methods to correct any safety violations. Company management will be requested to submit a letter detailing remedial action if any safety violations are found. Companies will be rechecked at a future date to make sure compliance is obtained.

SECTION 13

Suggestions for establishing an effective safety program

Company Safety Policy:

- Draft a company safety policy and communicate enforcement of that policy to all drivers and staff.
- Devise methods of monitoring to enforce safety, such as planting defects to assure vehicle inspections are being performed, shipping facility and on road observation reports.
- Document and take necessary disciplinary action to eliminate violations.
- Continue to ensure that all vehicles are maintained in a safe and proper operating condition at all times.

Drivers:

- Complete, maintain, monitor and evaluate driver qualification files to ensure the hiring, selection and retention of qualified drivers.

Company Safety Meetings:

- Conduct and document driver safety training meetings. Give prior notice to drivers of upcoming safety meetings to allow time for drivers to submit their questions, comments and suggestions.

Driver Training:

- Train drivers in all areas of safety including: pre-trip and post-trip vehicle inspections, completion of vehicle condition reports, and drivers' hours of service requirements.

Mechanic Staff Training:

- Require mechanic staff to conduct and document systematic inspections for all vehicles and certify vehicle condition reports.

Accidents:

- Consider initiation of an accident review board, with driver participation, to determine preventable and non-preventable accidents with a written progressive disciplinary policy.
- Consider a driver incentive program based on safety, with an annual award or monetary gift to fit your company's size and budget. Also consider an annual driver evaluation that includes safety performance standards.
- Review and analyze all accidents for casual factors to assist in determining driver training needs.

Hours of Service:

- Conduct and document hours of service training for drivers and staff required to monitor hours of service.
- Communicate to drivers and staff a company commitment to the enforcement of hours of service.
- Monitor drivers' hours of service and use hours of service exam.

Hazardous Materials:

- Require drivers and staff involved with transporting hazardous materials to be knowledgeable of appropriate regulations.
- Review all routing and freight pickup/delivery scheduling to reduce exposure risk with hazardous material shipments and/or accident prone locations.